

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GARDO DESIGN GROUP, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 06-2702-JPM/dkv
)	
WAYNE MILLS, WAYNE MILLS)	
ENTERPRISES, LLC, and)	
TOMMY STITES,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation of Magistrate Judge Diane K. Vescovo, submitted January 2, 2008 (Doc. 18), recommending that the Plaintiff's motion be granted. Though styled as a "Motion to Compel," Plaintiff's motion requests that Defendants' Answer be stricken, that default judgment be entered, and that fees be awarded for failure to comply with discovery requests and a court order.

In determining that such actions are appropriate, the Magistrate Judge found that, in accordance with the requirements for relief pursuant to Federal Rule of Civil Procedure 37, (1) Defendants acted with willfulness, bad faith, or fault in failing to comply; (2) prejudice resulted from the non-compliance; (3) the Court had warned Defendants that non-

compliance could lead to extreme sanctions; and (4) lesser sanctions were not appropriate. The Magistrate Judge recommended (1) striking the Defendants' Answer; (2) entering a default judgment against all Defendants under Rule 37(b) as a sanction; and (3) imposing monetary sanctions to compensate Plaintiff for its expenses incurred due to the Defendants' failure to provide discovery.

No objections to the Report and Recommendation have been filed, and the time for filing objections has since expired. Upon de novo review of the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety, STRIKES Defendants' Answer, ENTERS Default Judgment as to all Defendants, and AWARDS monetary sanctions to compensate Plaintiff for its expenses incurred due to the Defendants' failure to provide discovery.

The Court will hold a damages hearing in this cause on Thursday, March 6, 2008, at 4:00 p.m., in Courtroom 4.

So ORDERED this 22nd day of January, 2008.

/s/ JON P. McCALLA
UNITED STATES DISTRICT JUDGE